

REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested.

Claims 1-7, 9-14, and 16-17 are pending in this application.

Claims 1-9 and 12-16 stand rejected under 35 U.S.C. §103(a) over *Park* (US 20000000244) in view *Hong Park* (US 19990055454), and further in view of *Hashimoto et al.* (EP 1 071 264). In addition, claims 10, 11, and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view *Hong Park*, *Hashimoto*, and further in view of Chavez Jr. et al. (US 6,603,844).

This rejection is respectfully traversed, the claims being believed to be patentable over the applied art for the failure of the applied art to not only disclose, teach or suggest all of Applicants' recited claim features, but in addition, the applied references fail to present any apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements.

Regarding independent claims 1 and 2, the Patent and Trademark Office (PTO) admits that *Park* in view of *Hong Park* do not specifically show that "the sound providing means determines the tone-replacing sound based on an identity established in the associated with the call-sending terminal, which group the call-sending terminal belongs to among several groups classified by a user of the call-receiving terminal, and/or calling time," and relies upon *Hashimoto*, paragraph [0013] and paragraph [0016], lines 45-55, to remedy the deficiencies of *Park* and *Hong Park*. Applicants respectfully disagree based upon the arguments submitted below.

Independent claims 1 and 2 recite a method of providing an arbitrary sound to replace a conventional tone in a communication network, wherein a replacement ring back tone is transmitted to the calling sending terminal based upon interaction between a Home Location Register (HLR) a call-receiving exchanger, and a sound providing means.

Based upon the Examiner's cited passages of *Hashimoto*, *Hashimoto* appears to only relate to "an answering method for a telephone having an answering function," (see paragraph [0013], lines 2-4, emphasis added). Indeed, *Hashimoto* discloses wherein the answering method is implemented in the called telephone once the call is answered. Applicants' method and apparatus, however, is distinguished from *Hashimoto* in that the claimed feature relates to ring back tone and is implemented before the call is answered. Accordingly, the response message reproduced by *Hashimoto* is not a tone replacing sound, let alone a ring back tone, as recited in claims 1 and 2, but rather a specific answering message that is reproduced when the called telephone answers. Indeed, the answering message replaces nothing, except perhaps, the actual, non-recorded, real time voice of the called party.

Furthermore, as described in paragraphs [0009-0010], *Hashimoto* provides a telephone in which an answering function for responding to a specified caller by a special response message is implemented by the effective utilization of a limited storage capacity. *Hashimoto's* telephone "records a response message corresponding to a telephone number of a specified party in a memory capable of electrically erasing the recorded contents, activates an answering function to reproduce the response message when a caller's telephone number notified through a network at an incoming call is the telephone number of the party, erases the response message from the memory after the reproduction is completed, and recycles the memory as a recording region for a received message." The methods of claims 1 and 2 are distinguished from *Hashimoto*.

The claimed invention on the other hand is configured that the called party designates a sound replacing a ring back tone for a caller based on the identity of the caller, the group the caller belongs to, calling time, and call state. Accordingly, the claimed invention has the feature whereby before the called party answers the call, the called party can exhibit their unique personality via the personalized ring back tone. *Hashimoto* on the other hand required that the telephone device answers the call before playing the personalized message.

Furthermore unlike *Hashimoto* wherein the apparatus and method is implemented in the called telephone itself, Applicants' claimed feature is implemented

by devices, i.e., an HLR (Home Location Register), a call-receiving exchanger, and a sound providing means, which, by virtue of being implemented before answer, are all located remote from the called telephone.

Accordingly, the recited methods of independent claims 1 and 2 are distinguished from the alleged combination of references because of the failure of *Park*, *Hong Park*, and *Hashimoto* to disclose, teach or motivate at least “wherein the sound providing means determines the tone-replacing sound based on an identity associated with the call-sending terminal, which group the call-sending terminal belongs to among several groups classified by a user of the call-receiving terminal, and/or calling time.”

Still further, Applicants respectfully submit that the incorporation of the teaching of *Hashimoto* into the teachings of *Park* and *Hong Park* is improper because *Hashimoto* appears to only relate to the *telephone side* of a call, more specifically a telephone having an answering function, and fails to relate to the subject matter of *Park* and *Hong Park* that appear to only relate to call state notification on the *network side* of a call.

Still further, on page 4 of the outstanding Office Action, the Examiner continues to allege that *Hong Park* discloses the recited second step of a call-receiving exchanger requesting a trunk connection to a sound providing means based upon first information of whether a called party subscribes to the service, and second information for informing a route to a sound providing means. As previously argued in the response filed May 18, 2009, *Hong Park* fails to disclose this feature.

As submitted in the response filed May 19, 2009, *Hong Park* appears to disclose wherein a calling party heard tone, i.e., dial tone, etc., is set up as a table type in advance, and the calling party hears a replacement message, music, etc., based upon information previously set up in the table, (see Figs. 7a-7c and its corresponding detailed description on page 5). However, Applicants respectfully submit that *Hong Park* does not disclose a replacement ring back tone service based on information of the called party (first and second information), as recited by Applicants. *Hong Park* appears to only disclose a mechanism wherein a calling party hears music or messages set up in their own table, and fails to disclose, teach, or suggest wherein any calling party information is pertinent to that mechanism.

Applicants respectfully submit, therefore, that independent claims 1 and 2 are patentable not only due to the failure of *Park*, *Hong Park*, and *Hashimoto* to disclose, teach or motivate all recited features of the claims, but are also patentable based upon the improper combination of the applied references.

Claims 3-7, 9-14, 16 and 17 depend from independent claims 1 and 2 and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite. Accordingly, withdrawal of this rejection is respectfully requested.

Regarding claims 10, 11, and 17, Applicants respectfully submit that *Chavez* appears only to disclose sending an advertisement to a calling party instead of a normal ring back tone and likewise fails to disclose wherein the tone is based upon “an identity associated with the call-sending terminal, which group the call-sending terminal belongs to among several groups classified by a user of the call-receiving terminal, and/or calling time.” In other words, the generated tone is independent of any information pertaining to the calling party, let alone a tone specific to the call sending terminal and classified by the call-receiving terminal.

Therefore, Applicants respectfully submit that *Chavez, Jr.* fails to remedy the deficiencies of *Park*, *Hong Park*, and *Hashimoto* in regards to independent claims 1 and 2. Accordingly, claims 10, 11, and 17 are likewise patentable over the asserted combination of references at least in view of their dependence on either claim 1 or 2.

Withdrawal of the rejection is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited. Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP
/Yoon S Ham/
Yoon S. Ham
Registration No. 45,307

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
YSH/ERM/jr
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